

**BEFORE THE  
ILLINOIS COMMERCE COMMISSION**

In the Matter of ILLINOIS BELL TELEPHONE )  
COMPANY, AT&T COMMUNICATIONS OF )  
ILLINOIS, INC., CORECOMM ILLINOS, INC. )  
COVAD COMMUNICATIONS COMPANY, )  
MCI WORLDCOM COMMUNICATIONS, INC. )  
MCLEOD USA TELECOMMUNICATIONS, )  
INC., RHYTHMS NETCONNECTIONS AND )  
RHYTHMS LINKS, INC., 21<sup>ST</sup> CENTURY )  
TELECOM OF ILLINOIS, INC., USHMAN )  
COMMUNICATIONS, INC., and SPRINT )  
COMMUNICATIONS COMPANY, L.P., d/b/a )  
SPRINT COMMUNICATIONS, L.P. )

No. 00-0592

Joint Submission of the Amended Plan of Record )  
For Operations Support Systems )

**AT&T'S VERIFIED REPLY AND FINAL COMMENTS ON**

**OSS ISSUES SUBMITTED TO ARBITRATION**

**PUBLIC VERSION**

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Date 10/20/00 Reporter TR

## TABLE OF CONTENTS

<b>I.</b>	<b>Introduction .....</b>	<b>3</b>
<b>II.</b>	<b>New Facts .....</b>	<b>6</b>
<b>III.</b>	<b>SBC/Ameritech's Federal Commitment Should Have No Bearing On This Case .....</b>	<b>7</b>
<b>IV.</b>	<b>Issue By Issue Comments .....</b>	<b>9</b>
	<b>Disputed Issue 1: Application Versioning .....</b>	<b>10</b>
	<b>Disputed Issue 2: Joint Testing (Both Long Term and Interim .....</b>	<b>14</b>
	<b>Disputed Issue 4: Change Management Process – OIS Voting Process .....</b>	<b>21</b>
	<b>Disputed Issue 9, 16, 19, 20, 24, 40: Interface Development Rule – Detailed Specification Requirement .....</b>	<b>27</b>
	<b>Disputed Issue 10: Plan of Record (POR)/Written Agreement Documentation .....</b>	<b>34</b>
	<b>Disputed Issue 13: Customer Service Record Address Validation (Lite Edit) .....</b>	<b>41</b>
	<b>Disputed Issue 18: Flow Through .....</b>	<b>46</b>
	<b>Disputed Issue 42: Unsolicited 865 Transactions. ....</b>	<b>51</b>
	<b>Disputed Issue 46: Hot Cuts Coordinated Issues and Procedures .....</b>	<b>54</b>
	<b>Disputed Issue 62: directory Listing Retrieval. ....</b>	<b>58</b>
	<b>Disputed Issue 74: Line Splitting. ....</b>	<b>61</b>
	<b>CONCLUSION .....</b>	<b>67</b>

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AT&T Communications of Illinois, Inc. ("AT&T") hereby provides these *Final Comments On Operational Support System ("OSS") Issues Submitted to Arbitration*.

These comments are verified by Timothy Connolly, an AT&T consultant participating as a witness in this case.

**I. Introduction**

This case is a result of OSS merger conditions imposed on SBC/Ameritech in the Commission's merger approval order in Case No. 98-0555. In fact, the relevant OSS merger conditions prompting this arbitration, which eventually became Condition 29, were originally proposed by SBC/Ameritech in that case.

During the merger review, SBC/Ameritech witnesses trumpeted the benefits that Condition 29 would have for Illinois. They testified at length in regard to how Condition 29 would assure that Illinois CLECs would receive the best OSS in the SBC thirteen state

region. They continually argued that those Illinois OSS conditions would “promote” competition and the public interest. When questioned regarding the inter-relationship between the FCC and Illinois OSS merger commitments, SBC/Ameritech witnesses sung the company line that Illinois would receive the “best of both worlds.” Indeed, SBC/Ameritech OSS witness Mr. Viveros stated: “While the commitments are very similar, there is definite overlap ... I don’t believe that the FCC OSS [condition] is controlling over the Illinois process.”<sup>1</sup> By other statements, SBC signaled its intent to extend its OSS capabilities in states such as Texas into the remaining states in its territory.<sup>2</sup>

How times have changed. With their merger now approved, SBC/Ameritech is singing a far different tune. SBC/Ameritech no longer argues that its positions on OSS will “promote competition.” To the contrary, now it claims that its positions on the disputed OSS issues “must be deemed reasonable” because “those positions have no adverse impact on competition in the local market in Illinois.”<sup>3</sup> No longer does SBC/Ameritech claim that the FCC OSS conditions have no affect on its Illinois OSS merger commitments. Now SBC/Ameritech argues that the demands of the FCC commitments “constrain” SBC/Ameritech’s ability to “say an unqualified ‘yes’ to every CLEC request in Illinois.”<sup>4</sup> And no longer does SBC/Ameritech claim that it will import all advantageous OSS process and procedures existing in Texas. Instead, on several key issues in this docket it now argues that those processes are not appropriate for Illinois.<sup>5</sup>

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<sup>1</sup> ICC Docket No. 98-0555, Tr. 2184.

<sup>2</sup> See, e.g., Viveros Supp. Direct, ICC Case No. 98-0555, p. 3.

<sup>3</sup> Ameritech Ex. 4.0 (Ameritech Initial Comments, p. 10.)

<sup>4</sup> *Id.*

<sup>5</sup> SBC/Ameritech similarly claimed that the merger would improve Ameritech’s service quality. AS this Commission is well aware, that has not come to pass.

Each of these positions would tremendously dilute the intended effect of the Commission's merger conditions. But these positions should not come as a surprise. In fact, since the very beginning of the three-phase OSS process delineated by Condition 29, SBC/Ameritech has refused to provide CLECs detailed business rules or specifications that would give CLECs and the Commission the necessary information to assess the strength of the overly general and vague commitments made the Plan of Record ("POR"). Despite three months of collaboratives and four days of hearing, that has not changed. And on most issues CLECs still have little understanding exactly what changes SBC/Ameritech intends to make. In fact, at the hearing SBC/Ameritech's Witnesses indicated that even the exceedingly vague business rules identified in the POR are subject to change.

The issues before this Commission now are in many instances issues that AT&T and other CLECs have repeatedly identified as their highest priority items for many months if not years, but on which SBC/Ameritech simply has not moved. As described in these and all the CLEC comments provided thus far, each of these issues has a significant impact on Illinois CLECs' ability to provide prompt and competitive services to its customers. As delineated by the CLECs, on many occasions the problems identified restrict a CLEC's ability to enter the Illinois local market in large volumes. The issues have been brought forth in every forum available to CLECs in Illinois, including change management. Yet SBC/Ameritech has refused to act. Decisive action by this Commission is needed if the stalemate on these issues is to be broken.

SBC appealed ardently to the Commission to approve its merger with Ameritech, in substantial part on the grounds that it would lead to "industry standard" OSS interfaces

and thus enhance the ability of CLECs to enter local markets in Illinois. The Commission accepted SBC/Ameritech's commitment and its promises in approving the merger. SBC/Ameritech's performance and its conduct *since* the merger was approved evidences a very different set of intentions, however. Overall, SBC's goal, *now*, evidently is to do no more than it would have done in any event,<sup>6</sup> and in all events to do the very minimum.

As AT&T stated in its initial comments, there is still an opportunity for the Commission to advance the goals of its merger order for OSS. AT&T and other CLECs have spent considerable time identifying with specificity the system changes and commitments necessary to support market entry on a commercially viable basis. AT&T's proposals are delineated in detail and has attached a redlined POR providing language consistent with these proposals. Acceptance of these changes by the Commission is necessary if Condition 29 is to have the pro-competitive effect this Commission intended.

## **II. New Facts**

AT&T is providing the following rebuttal pieces of evidence in this case.

- (1) To rebut SBC/Ameritech's claims that its flow-through rates are reasonable.

AT&T has provided information that codifies SBC/Ameritech's flow through rate for flow eligible order on a month-by-month basis. The information was captured from the available flow-through rates that SBC/Ameritech publishes to Illinois CLECs and the Commission. That information provides the following:

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<sup>6</sup> As Glen Sirles, SBC Vice President for Operations Support Systems, stated in the FCC OSS Collaborative: "These were things we were going to do anyway. We just simply put some formal words around them." Uniform and Enhanced OSS POR, SBC Collaborative Workshop, Dallas, TX, Tr. 4/18/00, p. 42, lns. 10-12.

Over the six month period of February through July 2000, Ameritech retail flow through rates averaged [REDACTED]; its flow-through rates for unbundled loop orders is [REDACTED] and its rate for UNE-other is [REDACTED]. This data is obtained from Ameritech's Performance Measure 13 results.

- (2) To rebut SBC/Ameritech's claims that its proposed hot cut process and procedures are reasonable, AT&T has provided, as Attachment B hereto, a copy of Southwestern Bell Telephone ("SWBT") Company's hot cut process and procedures.

AT&T has provided no other new evidence in this brief.

### **III. SBC/Ameritech's Federal Commitment Should Have No Bearing On This Case.**

As a general defense in this case, SBC/Ameritech has repeatedly argued that CLEC positions should not be accepted because of the demands placed on SBC/Ameritech by the FCC OSS merger conditions. In its initial comments, SBC/Ameritech argues that the demands of the thirteen-state FCC integration process and OSS-related activities in the other Ameritech states "place significant constraints on Ameritech Illinois' ability to say an unqualified 'yes' to every CLEC request in Illinois."<sup>7</sup> Indeed, throughout its initial comments brief, SBC/Ameritech raise as a defense to the CLEC requests the commitments it has made as a result of the FCC OSS merger conditions.<sup>8</sup>

In doing so, Ameritech has blatantly misused the FCC merger conditions. In adopting its merger conditions, the FCC made it abundantly clear that those conditions

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<sup>7</sup> Ameritech Ex. 15 (Ameritech Initial Comments), p. 10.

<sup>8</sup> See, e.g., Ameritech Ex. 15 (Ameritech Initial Comments) pp. 13, 18, 35, 53.

were to be used as a floor, not a ceiling. And the FCC clearly prohibited SBC/Ameritech from doing exactly what it is attempting here: to use the merger conditions as a defense in a forum considering additional pro-competitive initiatives. As the FCC stated:

It is not the intent of these Conditions to restrict, supercede, or otherwise alter state or local jurisdiction under the Communications Act of 1934, as amended, or over the matters addressed in these Conditions, or to limit state authority to adopt rules, regulations, performance monitoring programs, or other policies that are not inconsistent with these Conditions.

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To the extent these Conditions impose fewer or less stringent obligations on SBC/Ameritech than the requirements of any past or future Commission decision or any provisions of the 1996 Act or the Commission or state decisions implementing the 1996 Act or any other pro-competitive statutes or policies, nothing in these Conditions shall relieve SBC/Ameritech from the requirements of that Act or those decisions. The approval of the proposed merger subject to these Conditions does not constitute any judgment by the commission on any issues of either federal or state competition law. In addition, these conditions shall have no precedential effect in any forum, and shall not be used as a defense by the Merging Parties in any forum considering additional procompetitive rules or regulations.

Memorandum Opinion and Order, CC Docket No. 98-141, Appendix C, p. 1, n.3 (rel. October 8, 1999) (emphasis added). The panel should reject Ameritech's attempt to misuse the FCC merger conditions.

Moreover, the FCC Common Carrier Bureau has explicitly rejected SBC/Ameritech's claim that the demands of the FCC commitments should trump any state OSS initiatives. In August of this year, SBC made this exact argument to the FCC. Specifically, SBC/Ameritech asked the FCC to clarify that the POR under the FCC



merger conditions could not be modified as a result of federal or state regulatory actions.<sup>9</sup>

In response, the Deputy Chief of the Common Carrier Bureau responded as follows:

As indicated in the introductory paragraphs of the *Merger Conditions*, SBC's commitments adopted in the *SBC/Ameritech Merger Order* do not restrict, supercede, or otherwise alter state jurisdiction or authority. The Commission also expressly noted that the *Merger Conditions* do not relieve SBC of complying with future Commission or state commission decisions that impose more stringent obligations. State Commissions are therefore not precluded by the *Merger Conditions* from adopting additional requirements that affect SBC's OSS beyond those that SBC must implement pursuant to the *Merger Conditions*. SBC's concerns that it would be impossible to meet the [FCC] Phase 3 implementation timeline if a state were to order significant changes to its OSS plans are speculative at this time.<sup>10</sup>

In other words, SBC/Ameritech is prohibited from raising as a defense in this matter the notion that further Illinois OSS conditions would impose too much demand on SBC/Ameritech in light of the FCC merger conditions. This claim has been explicitly and repeatedly rejected by the FCC. If SBC/Ameritech believes that further Illinois conditions would place its performance of the FCC conditions at risk, that claim is not relevant in this proceeding. As the FCC aptly noted, until then SBC/Ameritech's claims are pure speculation.

#### **IV. Issue By Issue Comments**

AT&T in these comments addresses numerous issues that it has actively pursued in the collaborative. Given the limited time allowed to prepare these comments, and for the sake of brevity, it is not addressing all of the CLEC issues. However, AT&T supports CLEC positions on the following issues: SBC/Ameritech hours of system availability,

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<sup>9</sup> September 22, 2000 Letter from Carol E. Matthey, Deputy Chief, FCC Common Carrier Bureau, James W. Calloway, Group President – SBC Services, p. 3.

<sup>10</sup> *Id.* (emphasis added).

ordering graphical user interface, retention of current directory listings, and UNE-P ordering. These are issues as to which other CLECs for various reasons took a lead role in the collaborative. AT&T supports those CLEC comments and arguments and incorporate them herein by reference.

#### **Disputed Issue 1: Application Versioning**

Application versioning involves the technical ability, process and timeframe by which SBC/Ameritech supports multiple versions of a production application. The parties have agreed upon the method of versioning to be implemented for application releases as documented in the written agreement document. SBC/Ameritech plans to implement versioning as detailed in March 2001. CLECs want versioning of application releases to be supported prior to March 2001.

#### **SBC/Ameritech Commitment**

Ameritech has agreed to provide application versioning in the manner requested by the CLECs prior to its releases March 2001.

#### **AT&T Requested Relief**

AT&T believes that application versioning should be in place by December 2000, the date of the next scheduled SBC/Ameritech software release. AT&T's has proposed language to be added to the POR that captures AT&T's requested relief. See AT&T Revised POR, Attachment A hereto, p. 37.

In the alternative, AT&T requests that the Commission order SBC/Ameritech to provide monthly updates to the Commission and the industry on its progress in meeting its commitment to have versioning in place by March 2001 – when SBC/Ameritech plan significant software releases.

#### **Discussion**

Versioning is the ability of an ILEC to keep multiple “versions” of an interface (both new and old) available for CLEC use at the same time. The sole issue in regard to versioning is *when* SBC/Ameritech should provide versioning. According to its POR, SBC/Ameritech plan on implementing versioning prior to its March 2001. The CLECs

believe that Ameritech should implement versioning in December 2000, the date of SBC/Ameritech's next set of software releases.

There is no dispute between the parties in regard to the importance of versioning. As noted at length in AT&T's initial comments,<sup>11</sup> versioning avoids the massive coordination inherent in a "flash cut" change in an SBC/Ameritech OSS interface. Changes in an SBC/Ameritech interface may require CLEC changes on their own side of the interface, including programming changes to the CLECs' systems and employee training on new processes and procedures. Of course a CLEC will likely wish to test these changes before utilizing a new interface in production. Versioning allows CLECs the necessary time to complete such activities on their own timeframe because it allows them to migrate to the new interface "version" when each has had time to upgrade its own systems and train its employees on use of the new version. SBC/Ameritech witness Ms. Baker acknowledged the fact that versioning is "important" and provides CLECs needed "flexibility." Tr. 401-403.

SBC/Ameritech claims that its offer to put versioning in place for the March 2001 releases is reasonable because it plans few software releases prior to March 2001. The crux of SBC/Ameritech's argument is that the only release planned between now and March 2001 "that has CLEC coding impacts" is the December 2000 release. Since this, in SBC/Ameritech's opinion, "is not a large or significant release," SBC/Ameritech concludes that versioning prior to March of 2001 is not important.

SBC/Ameritech's argument is misleading, and its claims regarding the significance of the December releases are wholly unsubstantiated on this record. While it may be true that the December 2000 release is the only release prior to March of 2001

that would require "coding" by CLECs, SBC/Ameritech is silent on whether those releases may require CLEC changes *other than* coding. SBC/Ameritech's witness Ms. Baker agreed that system changes might necessitate changes on the CLEC side other than "coding," such as a change in the CLECs' processes and procedures that might require training of the CLEC employees.<sup>12</sup> When asked the critical question of whether the releases planned before March 2001 would necessitate changes -- other than coding -- in CLEC operations, Ms. Baker indicated that she did not know.<sup>13</sup>

But that is the critical question that CLECs -- and the Commission -- must know in order to assess whether SBC/Ameritech's implementation of versioning prior to March 2001 is "reasonable." AT&T raised this question in its initial comments,<sup>14</sup> and hoped that SBC/Ameritech would provide the Commission and the CLECs a witness that was prepared to answer it. It did not.

Without versioning, CLECs would be forced to implement these releases on a flash-cut basis, putting its sales, marketing and customer service at risk. Thus, unless SBC/Ameritech provides the Commission and CLECs greater information regarding the scheduled December 2000 releases that would assure that those planned changes would have minimal impacts on CLECs, the Commission should order SBC/Ameritech to make versioning available in December 2000.

If the Commission is of the view that SBC/Ameritech's plan on providing versioning coincident with its March 2001 releases is "reasonable," AT&T urges the Commission to take action to assure that SBC/Ameritech meets this deadline. The record

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<sup>11</sup> AT&T Ex. 4.0, AT&T Initial Comments, p. 45-49.

<sup>12</sup> Tr. 391.

<sup>13</sup> Tr. 391-92.

<sup>14</sup> AT&T Exhibit 4.0 (AT&T Initial Comments), p. 48 n. 36.

demonstrates that SBC/Ameritech's track record in meeting its OSS commitments is not particularly stunning. For example, in Wisconsin SBC/Ameritech has already missed several targeted OSS enhancements that it committed to implement in September of 2000.<sup>15</sup> In a letter to the Wisconsin collaborative, SBC/Ameritech indicated it could not meet the September 2000 date for these commitments because of "numerous factors," including an underestimation of the work involved.<sup>16</sup> Similarly here in Illinois, in its original POR, SBC/Ameritech indicated that it would provide "light address validation" by December 2000. That date has now slipped to March 2001.

AT&T is concerned that the factors that caused these "slips" may well affect SBC/Ameritech's ability to meet its March 2001 deadline for versioning. As all parties agree, it is essential that versioning be in place coincident with the interface enhancement due in March 2001. All the parties also agree that these enhancements are significant, and that if CLECs were forced to "flash cut" to these systems, the result could be disastrous. Even SBC/Ameritech's witness Ms. Baker acknowledged that for a major release, such that are due in March of 2001, it is important for CLECs to have the ability to access versioning.<sup>17</sup> On cross examination, Ms. Baker gave some indication of the status of the versioning project within SBC/Ameritech.<sup>18</sup> AT&T believes that such status information is critical and urges the Commission to require SBC/Ameritech to give a monthly written report, to be publicly filed in this docket, on the status of meeting its commitment to implement versioning. Each report should provide percentages of work

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<sup>15</sup> Cross Exhibit 15 (Baker, Issue 1), p. 1.

<sup>16</sup> *Id.*

<sup>17</sup> Tr. 402-403.

<sup>18</sup> Tr. 407-410.

completed on each of the 125 modules described in SBC/Ameritech's response to staff data request 1-5.08.

**Disputed Issue 2: Joint Testing (Both Long Term and Interim)**

Joint testing is a process by which individual CLECs can test a given application release with SBC/Ameritech prior to the date that it is introduced into the production environment.

SBC/Ameritech has stated that joint testing will be rolled out in IL in March 2001 in a manner consistent with the 3 joint testing documents from the SWBT and PacBell regions (distributed to the collaborative 7/13-14). CLECs have specific issues with the proposed joint testing process.

**SBC/AMERITECH COMMITMENT**

SBC/Ameritech has provided that joint testing will be rolled out in Illinois in March 2001 in a manner consistent with the joint testing process in SWBT and Pac Bell regions.

**AT&T REQUESTED RELIEF**

AT&T has requested two categories of relief in regard to joint testing: one concerning the current testing environment, and one concerning the future testing process due in March 2001.

First, AT&T has requested that the Commission direct SBC/Ameritech to revise its current test environment in two ways by December 2000: (1) That it provide a computer-based testing system that is physically separate from its production interfaces but mirrors the production environment ; and (2) That it provide test accounts, test databases, and test transactions that CLECs can utilize for transaction testing and which within the current testing environment. AT&T has provided specific language to be inserted in the POR that captures this requested relief. See AT&T Revised POR, Attachment A hereto, pp. 38-39.

Second, AT&T has six requests in regard to the future testing process due in March 2001. AT&T believes that the following six concepts need to be inputted into the Ameritech POR in regard to the joint testing process scheduled for March 2001: (1) That SBC/Ameritech's future test process include a computer-based testing system that is physically separate from its production interfaces; (2) That the joint testing process will be available in instances where a CLEC initiates changes on its side of the interface and seeks to test them prior to use in production; (3) That corrections made to the Ameritech testing environment be made to the production systems; (4) That pre-order testing will use identical databases to those used in production; (5) That, all pre-ordering inquiries will be available in testing; and (6) That SBC/Ameritech will support pre-order and order

testing that gives the CLEC the option to choose whether to have SBC/Ameritech manually monitor test transactions, and that monitored and non-monitored testing be available on an equal basis. AT&T believes that in cross-examination SBC/Ameritech agreed to items (1)-(5), and that these concepts simply need to be added to the Ameritech POR. AT&T has provided specific language to be added to the POR that captures AT&T's requested relief on items (1)-(6) noted above. See AT&T Revised POR, Attachment A hereto, pp. 38-39.

### **DISCUSSION**

The issues relating to joint testing can be broken down into two categories: (1) issues relating to the current testing process, and (2) issues relating to the future testing process due in March of 2001.

#### **Failings of Current Testing Environment**

In regard to the current testing environment, AT&T's initial comments summarized the failings of that environment and the need for the changes identified by AT&T.<sup>19</sup> Since SBC/Ameritech's initial comments did not address this issue, AT&T has nothing to respond to at this time. AT&T refers the Commission to its arguments regarding the need to change the current testing environment.<sup>20</sup>

#### **Failings of the Future Testing Environment Due In March 2001**

In its initial comments, AT&T raised six concerns regarding SBC/Ameritech's future testing environment. For the most part, these concerns were generated by the fact that SBC/Ameritech's POR failed to give any specifics regarding its future testing environment. AT&T probed these concerns on cross examination of SBC/Ameritech's witness Ms. Cullen. AT&T believes that five of the six concerns are resolved based on Ms. Cullen's answers. Nevertheless, it is essential that Ms. Cullen's on-the-stand commitments be added to the language of the POR, or any Commission order resulting

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<sup>19</sup> AT&T Exhibit 4.0 (AT&T Initial Comments), pp. 60-63.

<sup>20</sup> *Id.*

from this case.<sup>21</sup> The one remaining issue relates to the fact that SBC/Ameritech has refused to make monitored and unmonitored testing equally available to CLECs.

The following are the six joint testing issues raised by AT&T, for which AT&T now believes the parties are in agreement on all but the last:

**(1) Separate Computer-Based Testing Environment**

In its initial comments, AT&T noted its concern that SBC/Ameritech's POR language did not obligate it to provide CLECs a computer-based testing system that is physically separate from its production interfaces.<sup>22</sup> On cross examination, SBC/Ameritech witness Ms. Cullen stated that in March of 2001 SBC/Ameritech is committed to provide CLECs access to a physically separate computer based testing system that is separate from production.<sup>23</sup> Thus, AT&T sees no reason why this commitment should not be included in SBC/Ameritech's POR. AT&T's proposed POR language includes this commitment.<sup>24</sup>

**(2) Availability of Joint Testing For CLEC Initiated Changes**

In its initial comments, AT&T noted a concern that SBC/Ameritech's POR failed to indicate whether the March 2001 joint testing process will be available in instances where a CLEC wished to test a change initiated on its own side of an interface.<sup>25</sup> Again, on cross examination, SBC/Ameritech witness Ms. Cullen indicated that "one" test environment that mirrors production will be available for CLEC initiated testing.<sup>26</sup> Thus, AT&T sees no reason why this commitment should not be included in

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<sup>21</sup> Indeed, as the Staff has suggested, "there can not be too much . . . documentation on the new joint testing process." Staff Exhibit 2 (Staff Comments), p. 12.

<sup>22</sup> AT&T Exhibit 4.0 (AT&T Initial Comments), p. 63.

<sup>23</sup> Tr. 663.

<sup>24</sup> AT&T's Revised POR, Attachment A hereto, pp. 38-39.

<sup>25</sup> AT&T Exhibit 4.0 (AT&T Initial Comments), pp. 63-64.

<sup>26</sup> Tr. 683-688.



SBC/Ameritech's POR. AT&T's proposed POR language includes this commitment.<sup>27</sup>

**(3) Corrections Made to the Testing Environment Will Be Made In Production**

It its initial comments, AT&T noted that while the SBC/Ameritech POR commits to fixing bugs or errors in the testing environment, it fails to commit to apply the same fix to its production environment. In order for testing to best replicate reality, the correction must be made to the testing and production environments. On cross examination, Ms. Cullen agreed that SBC/Ameritech would apply a fix to the testing environment to the production environment.<sup>28</sup> Thus, AT&T sees no reason why this commitment should not be included in SBC/Ameritech's POR. AT&T's proposed POR language includes this commitment.<sup>29</sup>

**(4) Pre-order testing will use identical databases to that used in production**

Ms. Cullen indicated on cross examination that the query and response generation pre-ordering software and databases available to CLECs in testing will be duplicative or identical copies of the application-to-application or GUI interfaces used in production.<sup>30</sup> Thus, AT&T sees no reason why this commitment should not be included in SBC/Ameritech's POR. AT&T's proposed POR language includes this commitment.<sup>31</sup>

**(5) All pre-ordering inquiries will be available in testing**

In its initial comments, AT&T noted its concern that the POR limited CLEC testing to only those "test accounts" provided by SBC/Ameritech. AT&T was concerned that if Ameritech could choose the test accounts available in testing that it could thereby limit the number of pre-ordering inquiries available in testing by limiting the scope of the

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<sup>27</sup> AT&T's Revised POR, Attachment A hereto, pp. 38-40.

<sup>28</sup> Tr. 667-670.

<sup>29</sup> AT&T's Revised POR, Attachment A hereto, p. 38.

<sup>30</sup> Tr. 683-684,

test accounts. When cross examined on this issue, however, SBC/Ameritech witness Ms. Cullen agreed that if a CLEC gave SBC/Ameritech notice that it wanted access to all pre-ordering functions during testing that the CLEC "should always have access to all pre-order functions" and the databases backing up those functions.<sup>32</sup> Thus, AT&T sees no reason why this commitment should not be included in SBC/Ameritech's POR. AT&T's proposed POR language includes this commitment.<sup>33</sup>

**(6) Equal Availability of Monitored AND Non-Monitored Testing**

SBC/Ameritech has indicated that its joint testing proposal will include SBC/Ameritech manual monitoring of CLEC test transactions.

The type of monitoring that SBC/Ameritech plans on conducting was made clear during cross examination. First, once a CLEC sends an order across the interface to SBC/Ameritech, SBC/Ameritech will "stop the flow" of that electronic order through SBC/Ameritech's systems and manually review it.<sup>34</sup> After completing its review, SBC/Ameritech will allow the order to continue its normal flow through SBC/Ameritech's systems. Second, at the end of ordering process, when SBC/Ameritech determines whether an order is rejected or whether it should send a FOC, SBC/Ameritech will review the response that it generated to the CLEC before it is transmitted to the CLEC.<sup>35</sup> Thus, SBC/Ameritech would again be stopping the normal flow of its response to the CLEC.

The one remaining issue concerning SBC/Ameritech's future joint testing process relates to whether SBC/Ameritech will make "monitored" and non-monitored testing

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<sup>31</sup> AT&T's Revised POR, Attachment A hereto, p. 39.

<sup>32</sup> Tr. 689-692

<sup>33</sup> AT&T's Revised POR, Attachment A hereto, p. 39.

<sup>34</sup> Tr. 670-72.

equally available to CLECs upon request. While SBC/Ameritech claims its testing environment “mirrors production,” SBC/Ameritech readily concedes that its proposed monitoring *does not* take place in production.<sup>36</sup> Thus, the record is clear that when monitoring SBC/Ameritech is *not* providing testing that mirrors production.

The simple solution that CLECs request is for SBC/Ameritech to make monitored and non-monitored testing *equally available* to CLECs. Instead, SBC/Ameritech has only proposed to allow CLECs access to non-monitored testing during a limited window of time (which has yet to be determined) that will not exceed 10% of the total test window. SBC/Ameritech claims that this “monitoring” will aid CLECs in testing.

SBC/Ameritech’s proposal is wholly unsubstantiated and otherwise unreasonable. First and foremost, SBC/Ameritech has failed to explain why it cannot make monitored and non-monitored testing equally available to CLECs at all times. While SBC/Ameritech claims that this “monitoring” is in place to aid CLEC, SBC/Ameritech’s witness could not name one Illinois CLEC that has actually requested that monitoring be part of joint testing. Indeed, SBC/Ameritech’s witness Ms. Cullen could not name one Illinois CLEC that has requested review of its orders in testing.<sup>37</sup>

There is good reason for a CLEC to desire non-monitored testing. The point SBC/Ameritech concedes, yet glosses over, is that monitoring *does not* occur in production. Thus, monitoring has the possibility of skewing CLEC results in testing. Certainly, this process slows down the movement of the test orders through SBC/Ameritech’s systems. Although Ms. Cullen indicated that SBC/Ameritech would stop transactions for a matter of minutes, this stoppage could also be much longer

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<sup>35</sup> Tr. 677-678.

<sup>36</sup> Tr. 672-73, 678.

depending on the size and complexity of a particular test. Obviously, if the CLEC was engaging in a test with hundreds of orders, this monitoring could severely slow down the processing of its test orders. When conducting testing, the CLEC may well wish to gain some indication of the processing intervals that might result in production. If so, the CLEC will certainly be anticipating that the performance intervals it receives from SBC/Ameritech in testing will hold equally true in production. However, the only way for the CLEC to be so assured is if monitoring does not occur.

What the CLECs are requesting here is quite simple: the ability to choose monitored or non-monitored testing at all times. SBC/Ameritech's plan to allow non-monitored testing to occur during a limited period of time (not to exceed 10% of total testing time) is not reasonable, especially in light of the fact that no Illinois CLEC has requested monitored testing. SBC/Ameritech has failed to explain why non-monitored testing should be limited to any timeframe.

Moreover, SBC/Ameritech cannot even tell this Commission what that limited timeframe might be, whether it would be available on a hourly, daily or weekly basis.<sup>38</sup> Thus, pursuant to SBC/Ameritech's proposal, a CLEC might have as little as perhaps one hour per week to cram through all of the test transaction its wishes to be non-monitored. As Ms. Cullen agreed on cross examination, this type of "cramming" process does not occur in production<sup>39</sup> -- i.e., in production CLECs can choose the pace at which they send orders to SBC/Ameritech. A CLEC should be able to send its test orders at the pace expected in production.

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<sup>37</sup> Tr. 682.

<sup>38</sup> SBC/Ameritech proposes to punt that decision to the CMP. Tr. 679 (Ms. Cullen).

<sup>39</sup> Tr. 675-676.

In conclusion, monitoring has the ability to skew CLEC results in joint testing. SBC/Ameritech has provided no reason why monitored and non-monitored testing cannot be made available at all times. Thus, AT&T requests that the Commission order SBC/Ameritech to make monitored and non-monitored testing equally available at all times to CLECs upon request. AT&T has provided specific language in its revised POR consistent with this request. See AT&T Revised POR, Attachment A hereto, p. 38.

#### **Disputed Issue 4: Change Management Process – OIS Voting Process**

The CMP process defines the standards by which business is conducted between the CLECs and SBC/Ameritech related to all changes that occur to SBC/Ameritech's Operational Support Systems (OSS) interfaces.

One issue remains in order to finalize the SBC 13 State Change Management Process that has been in negotiation since November 1999. The remaining issue involves the Outstanding Issue Solution (OIS) voting process. It's also unclear what framework will be followed when introducing OSS changes as committed to in the revised Plan of Record.

#### **SBC/Ameritech Commitment**

SBC/Ameritech has committed to making the agreed to portions of the SBC 13 State Change Management Plan Available in Illinois, but has insisted that the OIS voting process in that plan include a requirement that either a quorum of "qualified" CLECs, or that at least eight "qualified" CLECs be present at any OIS vote.

#### **AT&T Requested Relief**

AT&T requests that the Commission direct SBC/Ameritech to allow an OIS vote to take place in Illinois once SBC/Ameritech has provided notice to all CLECs of the pending OIS vote, and that a majority vote of CLECs participating should govern the outcome.

#### **Discussion**

The issue surrounding change management OIS voting is fairly straightforward. An OIS vote is a process specified in the agreed-to change management process that

allows carriers, by a vote, to block or delay an SBC/Ameritech interface change that could negatively affect the CLECs' ability to use a particular interface. It is undisputed that the OIS voting process that has been agreed to obligates SBC/Ameritech to send out notice of the vote to *all* CLECs. The CLECs believe that a majority of the CLECs that show up for a vote should be able to govern the result, while SBC/Ameritech contends that a 50% quorum of "qualified" CLECs or, in the alternative, eight "qualified" CLECs must be present for the vote to take place.<sup>40</sup> To be a "qualified" CLEC for a particular vote, the CLEC must meet certain criteria, which include the requirement that the CLEC must be passing a minimum of 30 orders per day over the relevant OSS interface.

SBC/Ameritech's position – that either a 50% quorum or eight carriers be present to trigger an OIS vote – benefits only itself. SBC/Ameritech knows exactly what all other carriers know: that CLEC participation on OSS issues is at best spotty and that generally only a handful of carriers show up. Thus, whether a quorum or eight qualified carriers is required, SBC/Ameritech knows the likely result: Illinois CLECs will have no ability to affect changes made by SBC/Ameritech. CLEC nonparticipation may have many causes. A CLEC may choose not to participate because a particular change might not affect that CLEC's use of the EDI interface. However, no matter the cause of nonparticipation, a CLEC should be able to opt out of a vote completely, and not have its abstention counted as a vote in favor of SBC/Ameritech's position.<sup>41</sup>

The hearing in this case established the uncontested fact that it is highly unlikely that either a quorum or eight "qualified" CLECs would ever be present at an OIS vote.

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<sup>40</sup> If an interface change affects the entire SBC/Ameritech region, the requirement for a quorum requires a quorum of "qualified" CLECs throughout the 13-state SBC service territory.

The CLECs presented three witnesses on the OIS voting issue: Ms. Coughlan from AT&T, Mr. Cox from McLeod, and Ms. Cegelski from CoreComm. Each of these witnesses participated in the Illinois OSS collaborative and each have been highly active in Illinois OSS meetings over the last few years.<sup>42</sup> Thus, these witnesses' have first-hand knowledge of the level of participation by Illinois CLECs on OSS issues. Indeed, Ms. Coughlan, drawing on three years of experience of attending CLEC OSS forums in Illinois, indicated that despite this vast experience she did not believe that eight Illinois CLECs would "qualify" for a vote on *any* OSS issue.<sup>43</sup> When asked about Illinois CLEC participation on OSS issues in general, Mr. Cox from McLeod indicated that generally only "three of four" carriers show up,<sup>44</sup> while Ms. Coughlan similarly stated that rarely do even a "handful" of carriers participate.<sup>45</sup>

Indeed, in this very case fewer than ten carriers actively participated in the collaborative, and only nine carriers were involved in the arbitration.<sup>46</sup> This is true despite the fact that a broad array of highly significant OSS issues were set to be discussed and decided in this case. In fact, notices of the collaborative went out to 280-300 carriers, yet only nine carriers actively participated.<sup>47</sup> Moreover, as Ms. Coughlan testified, it is not likely that there are eight "qualified" CLECs within these nine carriers, since many would not meet the agreed upon "qualification" criteria in the CMP.<sup>48</sup>

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<sup>41</sup>Indeed, a majority of "qualified" Americans fail to vote in most presidential elections, yet their nonparticipation does not count as support for one candidate over another. The same principle holds true here.

<sup>42</sup> Tr. 107.

<sup>43</sup> Tr. 107.

<sup>44</sup> Tr. 115-116.

<sup>45</sup> Tr. 112.

<sup>46</sup> Exhibit 4.0 (AT&T Initial Comments), p. 14.

<sup>47</sup> *Id.*

<sup>48</sup> Tr. 107.

Unlike the CLEC witnesses, all of whom have had significant experience in Illinois and in the Illinois OSS collaborative, SBC/Ameritech presented a witness on OIS voting that did not participate in the collaborative, Ms. King. In fact, Ms. King admitted that she did not know how many CLECs participated in the Illinois OSS collaborative.<sup>49</sup> Nor was she familiar with which version of the CMP that SBC/Ameritech attached to its Illinois POR.<sup>50</sup> Most importantly, Ms. King claimed a total lack of knowledge regarding the effect SBC/Ameritech's OIS voting proposal would have on Illinois CLECs. For example, she did not know whether there were eight "qualified" CLECs in this arbitration case that could block a change to SBC/Ameritech's application-to-application EDI interface.<sup>51</sup> And Ms. King did not even know whether enough "qualified" Illinois CLECs exist to block a change to SBC/Ameritech's application-to-application EDI interface.<sup>52</sup>

Thus, while SBC/Ameritech contends that its OIS voting proposal would be in the best interests of Illinois, its sole witness on OIS voting claimed total ignorance regarding what effect its proposal might have on Illinois CLECs' ability to affect SBC/Ameritech OSS changes. The CLECs have presented un rebutted evidence that SBC/Ameritech's proposal is likely to result in CLECs having no ability to block an SBC/Ameritech OSS change.<sup>53</sup>

SBC/Ameritech's so-called "compromise" proposal – that at least eight "qualified" CLECs be required to participate on an OIS vote – is a Trojan horse. As pointed out by the CLEC witnesses, the existence of "eight" qualified CLECs for an OIS

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<sup>49</sup> Tr. 40.

<sup>50</sup> Tr. 40-41.

<sup>51</sup> Tr. 48-49.

<sup>52</sup> Tr. 49.

<sup>53</sup> As the Staff noted, requiring a quorum of all qualified CLECs is "impractical" and might in fact "hinder the process rather than create an opportunity for an efficient and fair OIS Voting process. For instance,



vote is as unlikely as the existence of a quorum. Moreover, both of SBC/Ameritech's proposals violate a basic principle of fairness: if a CLEC wishes to abstain from involvement in a debate about the pending change, it should be able to "opt out" of the debate completely. Opting out should be considered abstention, not a default vote in favor of SBC/Ameritech's position.

CLEC witness Ms. Coughlan described instances where a particular OSS change might affect some "qualified" carriers but not others, based perhaps on the type of orders a particular CLEC is sending over an interface.<sup>54</sup> Thus, even though a carrier might be utilizing a particular EDI ordering interface, and therefore be "qualified to vote on a change, the particular EDI change might not affect its business plans. For example, a change in the manner DSL orders are placed over the EDI interface would not affect an EDI "qualified" CLEC that is not marketing DSL service. Yet, as Ms. King conceded on cross examination, SBC/Ameritech's proposal would require that uninterested CLEC to participate in an OIS vote in order for a quorum to be met.<sup>55</sup> SBC/Ameritech claims that its proposal is intended to protect "smaller" carriers that might not be able to participate actively on a vote. Yet every carrier in this proceeding, whether large or small, stands in lockstep opposition to SBC/Ameritech's one-sided proposal. The CLECs are willing to accept the consequences of a majority vote – and so too should SBC/Ameritech.

It is also clear that the number "eight" is entirely arbitrary, and certainly has no connection to the current market conditions in Illinois. Indeed, under cross-examination

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failure to form a quorum will result in Ameritech's implementation of a change without the CLECs' participation." See Staff Exhibit 2 (Staff Comments), p. 14.

<sup>54</sup> Tr. 103-105.

<sup>55</sup> Tr. 81-81.